

Newstead Town Board Meeting- June 23, 2003

A Public Hearing was called to order by the Newstead Town Board on Monday, June 23, 2003 at the Newstead Town Hall at 7:45 PM.

Present: Gerald F. Summe- Supervisor
Joan M. Glor- Councilwoman
Thomas George- Councilman
David Cummings- Councilman
Harold L. Finger- Councilman
Fred Pask- Assessor not present
Christine Falkowski- Building Administrator
James Ebersole- Highway Superintendent
Andrew Casolini- Town Engineer
Nathan Neill- Town Attorney
Dawn D. Izydorczak- Town Clerk
Kathleen McLeod Lang- Deputy Clerk

Roll Call was taken with all board members present.

Supervisor Summe called the public hearing on a Special Use Permit request for a Used Car dealership at 11978 Main Road owner by Kevin Gaik to order.

The Town Clerk read the proof of publication.

Comments: No one spoke

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to close the public hearing at 7:50pm.

Supervisor Summe called the public hearing on a Local Law No. 3 of 2003 regarding Change of Use: Commercial Buildings to order.

The Town Clerk read the proof of publication.

Comments: Supervisor explained law. Dave Wakeman, 5860 Crittenden Road approves of the law and thinks it will be helpful to businesses.

A motion was made by Councilman George, seconded by Councilwoman Glor to close the public hearing at 7:58pm.

Supervisor Summe called the public hearing on the formation of Sewer District #2 to order.

The Town Clerk read the proof of publication.

Comments: No one spoke

A motion was made by Councilwoman Glor, seconded by Councilman Finger to close the public hearing at 7:59pm.

Supervisor Summe called the public hearing on a Major Subdivision request for Joseph Frey at the corner of Hunts Corners and Utlely Road to order.

The Town Clerk read the proof of publication.

Comments:

Judith Miller, 13588 Stage Road, against subdivisions such as hers on Stage Road. She feels that new people coming into town don't realize that this is agricultural country and that major subdivisions such as this should not be allowed.

Joe Frey, 11114 Keller Road, feels Mrs. Millers experiences have nothing to do with his subdivision.

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to close the public hearing at 8:05pm.

A Regular Meeting of the Newstead Town Board was called to order at 8:05pm with all the same board members present as listed above.

Mike Whiting led the pledge to the flag.

Minutes from the previous regular board meeting held on June 9, 2003 and a joint Village-Town Board meeting on June 16, 2003 were presented for approval. A motion was made by Councilman Cummings, seconded by Councilwoman Glor to approve as presented.

Carried Unanimously

Communications – The Town Clerk presented the following:

A letter from Recreation Director Ron Eulenberg addressing the future needs of the recreation program.

The official minutes from the June 2, 2003 Akron Village Board meeting.

An update to the spring & summer Highway Material Book was received from the County of Erie Division of Purchase.

A notice of address changes and phone number changes from Time Warner Cable.

A health notification from the Erie County Commissioner of Health regarding the Monkeypox infection.

A listing of the complaint calls received by BFI on garbage and recycling services for the month of May 2003.

A letter and copy of a resolution passed by the Town of Hamburg to Governor Pataki regarding the Buffalo Control Board.

A letter from Clark Patterson Associates regarding the Town of Pembroke's request for interconnection to the Newstead water system for their Water District #1.

A letter from NYS Department of State notifying the town of the receipt and filing of Local Law No. 2 of 2003 on June 2, 2003.

A Certificate and Notice of Highway Closure for Parkview Drive bridge effective June 16, 2003 was received from the Erie County Dept. of Public Works.

The Town of Newstead water sampling report was received with all levels within acceptable range.

A fax from the Town of Amherst with a resolution regarding sales tax revenue.

A motion was made by Councilman Cummings, seconded by Councilwoman Glor to receive and file correspondence as presented.

Carried Unanimously

Work Session: Supervisor Summe reported that work session was held on June 16, 2003 and the following issues were discussed: the Senior Center project, WD#5- Phase 3 & 4, Water District #10, sewer district issues, cemetery issues, an update on Judges issues, driveway culverts, front yard drainage issues, and an update on airport re-zoning. The work session was followed by a joint village-town board meeting at the Village Hall.

Privilege of the Floor – Norbert Schroeder, 13502 Bloomingdale Road, questioned the ownership of the right of way by the creek through his property. The County Highway told him it was the Town of Newstead drainage easement. He would like it cleaned out but needs more information. The Highway Superintendent and Town Engineer will meet with him after the meeting.

Approval of Bills -Councilwoman Glor reported that she had reviewed the Abstract from Batch #158 & 159 from the 6/9/03 meeting with the previously UN-audited vouchers and found everything in order. She presented Abstract Batch # 163 &164. Vouchers on Abstract Batch 163 &164 numbered 1989-1990-2034 totaling \$128,512.19 and were presented for payment approval by Councilwoman Glor, seconded by Councilman Finger to approve payment.

Abstract Batch 163 & 164:

General Fund "A" -\$65,831.40, Fund "B" \$6,469.57, Highway "DA" -\$0, Highway: Outside Village (DB) \$852.10, Capital Projects- WD#5-Phase II (HC) \$15,066.10, Capital Projects- Library Project (HE) \$0, WD#7 (HD)- \$0, Senior Center (HF)- \$59.80, Fire Protection (SF) \$60.00, Refuse (SR) \$19,992.95, Sewer Fund (SS) \$1,275.57 and Water Districts (SW1) \$18.75, (SW2) \$0, (SW3) \$18.75, (SW4) \$0, (SW5) \$16.39, (SW6) \$0, (SW7) \$18,850.81, (SW7A) \$0, (SW8) \$0, (SW9) \$0, Trust & Agency (TA) \$0, Totaling \$128,512.19.

Carried Unanimously

COMMITTEE AND DEPARTMENT HEAD REPORTS

Highway – getting ready to advertise the sale of four vehicles: two pickup trucks, a van and a small dump truck. He will have complete before the July 4th holiday: Town Park mowed, 4 driveway pipes, paint and work on trucks, prepare roof for repair. He took possession of 2 new trucks today with the dump truck being delivered hopefully next week. One student doing community service at the garage. Soccer users are leaving a mess on fields at town park and not using the garbage cans provided. They also have destroyed one tree and there is a need for more parking areas with cutting off access to certain area’s near the playground.

Assessor –Not present, medical problems with back surgery scheduled for this Thursday.

Building Office –the following building report was presented by the Building Administrator Christine Falkowski:

Philip Hegedosich	11158 Main	Deck
Perry’s Ice Cream	1 Ice Cream Plaza	Re-roof
Philip Hegedosich	11158 Main	Rear Deck
William Lorenz	4231 Billo	Pole Barn
John Laffosse	7847 Fletcher	Barn
Town of Newstead	5691 Cummings	Senior Center Addn
Jeff Poss	8098 Maple Rd	Deck
David Janis	12388 Swift Mills	Garage
Dwayne Grabenstatter	12447 Hunts Corners	Demo- rear house/porch
Dwayne Grabenstatter	12447 Hunts Corners	Window/door replacements
Ron Tyx	11184 Main	AG Pool
William Holler	7768 Cedar	Garage

Zoning Officer Rebecca Baker’s zoning report was presented.

A motion was made by Councilwoman Glor, seconded by Councilman Cummings to accept and approve the building & zoning reports as presented. Carried Unanimously

Town Clerk- reminder of the Special Referendum Election on the proposed Service Award Program for the Akron & Newstead Firemen. Voting will be from 12:00pm – 9:00pm. New copy machine should be in next week. Work session time requested to discuss issuing passports.

Attorney for the Town- Nothing at this time, Work session time.

COUNCILPERSONS

George –Nothing at this time

Cummings – He e-mailed drainage information from the drainage committee meeting

Glor – Nothing at this time

Finger – Summit Construction beginning with some of the demolition work tomorrow and planning the materials staging area. Dog Control meeting scheduled. Roof at highway has not yet been started. The front steps repair at Town Hall has been started.

SUPERVISOR –The town has received a grant for OSHA Training in conjunction with Grant Writer Lucy Curley. The March Supervisor’s Report is on file at the Town Clerks office. Supervisor would like to thank everyone for their effort with the WD#10 public meeting last week.

UNFINISHED BUSINESS

Water District #5- Phase 3 & 4 progressing on restoration June 27 is projected complete date and final punch list will be finished at the end of next week. The money will be held for potential problems.

Water District #10 Survey-He will sit with Becky and Dawn to look at numbers and percentage this week. Notes from the meeting will be available this week.

Christian Airmen Re-Zoning- There is a Christian Airmen Meeting tonight and will try to schedule a meeting with their proposal.

Senior Center-Ground Breaking this morning and well attended by many seniors and officials represented. Gladys Brackett turned over the first spade of dirt on the project and contractors are starting work tomorrow.

Sewer Project- the Health Department needs to give final approval There are 7-8 contractors interested with pre-bid meeting today and opening bids on the 27th There are a few legal issues that must be addressed by Nathan.

Resolution for Establishment of Sewer District #2:

A motion was made by Councilman Cummings seconded by Councilman George approving the establishment of Sewer District #2 for the Town of Newstead.

(Resolution Attached) Ayes-5 Nays- 0 Carried Unanimously

The Supervisor thanked everyone for their hard work on getting this project underway.

Town Wide Drainage- continued to work on this project.

Other-nothing

Councilman George and Supervisor Summe wanted to commend the Akron Bugle on their handling of the Special Election on the LOSAP issue. They feel that Pen-flex and the fire companies should have published this more.

NEW BUSINESS

Capital Account- Sewer District #2:

A motion was made by Councilman George, seconded by Councilwoman Glor approving the creation of a capital account for the Sewer District #2 project at the Whiting Industrial Park.

(Resolution Attached) Ayes-5 Nay- 0 Carried Unanimously

Discontinue Constable Positions & Create Clerk Position:

A motion was made by Councilman Cummings, seconded by Councilman Finger proving the order to discontinue the position of Constable within the town’s personnel and create two positions of Clerk P/T to assist the Town Court.

(Resolution Attached) Ayes-5 Nay-0 Carried Unanimously

Akron Village Police- Court Security:

A motion was made by Councilwoman Glor, seconded by Councilman Finger approving the use of the Akron Village Police force as Security Officers for the Court.

(Resolution Attached) Ayes-5 Nays-0 Carried Unanimously

Speed Study- Hake Rd:

A motion was made by Councilman Finger, seconded by Councilwoman Glor authorizing the Town Clerk to file the necessary paperwork with the County and State to request a speed study on Hake Rd in conjunction with the Village of Akron.

(Resolution Attached) Ayes-5 Nays- 0 Carried Unanimously

Adoption- Fee Schedule:

A motion was made by Councilman Cummings, seconded by Councilman George adopting the proposed fee schedule for services provided by the Town of Newstead and including new cemetery fees for Ledge Lawn Cemetery.

Ayes-5 Nays- 0 Carried Unanimously

Approval of New Positions for County Certification:

A motion was made by Councilwoman Glor, seconded by Councilman Finger approving the new positions of Caretaker P/T, Laborer P/T, Recreation Attendant P/T, and Members of Town Planning Board, Members of Town Zoning Board of Appeals, and Clerks P/T for the purpose of obtaining County Certification.

Ayes-5 Nays-0 Carried Unanimously

Other:

Special Use Permit

A motion was made by Councilman Cummings, seconded by Councilwoman Glor approving a Special Use Permit for a Used Car dealership at 11678 Main Road owner Kevin Gaik, according to site plan.

(Resolution Attached) Ayes-5 Nays-0 Carried Unanimously

Driveway Policy

A motion was made by Councilman Finger, seconded by Councilman Cummings that the Driveway policy be approved and the updated version as of last week be used as the final approved policy.

Ayes- 5 Nays-0 Carried Unanimously

Senior Center

A motion was made by Councilman Cummings, seconded by Councilman George to designate Councilman Finger as Construction Coordinator for the Senior Center under the title Clerk of the Works.

(Resolution Attached) Ayes-5 Nays-0 Carried Unanimously

Sales Tax Revenue

A motion was made by Councilwoman Glor, seconded by Councilman Finger recommending the City of Buffalo correct its current financial affairs before any other monies such as the 1% sales tax be paid to the City of Buffalo.

(Resolution Attached) Ayes-4 Nays-1 Carried

Question Period- No one spoke

There being no further business to come before the board a motion was made by Councilwoman Glor, seconded by Councilman Finger to adjourn the meeting at 9:12 PM

Carried Unanimously

Respectfully Submitted,

Dawn D. Izydorczak, Town Clerk